

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-22-59-D
)	
BARRY B. JACKSON, JR.,)	
)	
Defendant.)	

ORDER CONTINUING TRIAL

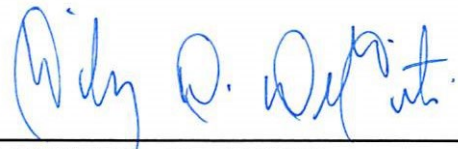
This matter comes before the Court on Defendant’s Third Unopposed Motion to Continue Trial Date [Doc. No. 46]. Defendant requests a continuance of his jury trial from September 13, 2022, to the October 2022 trial docket. The government does not oppose the Motion. This request follows prior continuances that were granted to permit the orderly disposition of multiple pretrial motions, including one to dismiss the Indictment on Second Amendment grounds under the authority of *New York Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022), which motion was recently denied. *See* 8/19/22 Order [Doc. No. 45].

Upon consideration of Defendant’s Motion and the case record, the Court finds the Motion should be granted. First, the 70-day time limit for trial under the Speedy Trial Act, 18 U.S.C. §§ 3161-74, is not implicated by a continuance to the October 2022 trial docket because other pretrial motions, including two motions that require evidentiary hearings, remain pending. *See* Def.’s Mot. for *Jackson v. Denno* Hr’g [Doc. No. 23]; Def.’s Mot. Suppress Firearms & Incriminating Statements [Doc. No. 24]. Also, the Motion presents

other facts, including defense counsel's active case of COVID 19, that impact the ability to conduct motion hearings and pretrial proceedings before September 13, 2022. Under these circumstances, and for the reasons set forth in prior Orders [Doc. Nos. 29, 35, 41], the Court finds that the running of the speedy trial clock remains tolled and the time limit for trial will not expire before the start of the October 11, 2022 jury trial docket.

IT IS THEREFORE ORDERED that Defendant's Third Unopposed Motion to Continue Trial Date [Doc. No. 46] is **GRANTED**. This case is stricken from the September 13, 2022 trial docket and reset on the October 11, 2022 jury trial docket. Motions in limine, requested voir dire, and requested jury instructions shall be filed by September 30, 2022; objections or responses shall be filed by October 5, 2022.

IT IS SO ORDERED this 2nd day of September, 2022.



TIMOTHY D. DeGIUSTI
Chief United States District Judge